

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 6, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-nine senators present.

Senator Powell was excused.

President Wagle introduced Pastor Jim Peters, Our Savior's Lutheran Church in Topeka, as Guest Chaplain.

Invocation by Pastor Jim Peters.

Generous God, your goodness towards us, your people, is without limit, and we cherish your promise to always be with us. Look upon us now and fill us with the gifts of your presence. We ask you to bless the work of our senators today. Give them everything they will need for the work that lies ahead of them. Guide their hands and their hearts and their minds, so that they may accomplish this day. Bless their families, their friends, and all those whom they serve. May we all join together and give you praise for all that you do for us. Hear this prayer, and in your goodness, answer it, for you live and reign forever and ever. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 427, AN ACT creating the Johnson county community college go pro now program; making and concerning appropriations for the fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, for the state board of regents, by Committee on Ways and Means.

SB 428, AN ACT concerning municipalities; relating to franchises; amending K.S.A. 12-2010 and K.S.A. 2013 Supp. 12-2001 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **Sub HB 2430; HB 2616, HB 2648.**

Financial Institutions and Insurance: **HB 2515, HB 2537.**

Judiciary: **Sub HB 2442; HB 2555, HB 2566, HB 2588, HB 2613; Sub HB 2633; HCR 5029.**

Local Government: **HB 2597.**

Natural Resources: **HB 2538**.

Public Health and Welfare: **HB 2509, HB 2510, HB 2609, HB 2611, HB 2673**.

Transportation: **SB 426; SCR 1620; Sub HB 2424, Sub HB 2451; HB 2693, HB 2715, HB 2724, HB 2727, HB 2728**.

Ways and Means: **HB 2669**.

CHANGE OF REFERENCE

The President withdrew **SB 335** from the Committee on **Judiciary**, and rereferred the bill to the Committee on **Education**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2455**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2455 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2210**, as amended by House Committee, be passed.

Committee on **Federal and State Affairs** recommends **SCR 1618** be amended by substituting a new concurrent resolution to be designated as "Substitute for SENATE CONCURRENT RESOLUTION NO. 1618," as follows:

"Substitute for SENATE CONCURRENT RESOLUTION NO. 1618"

By Committee on Federal and State Affairs

"A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, authorizing the legislature to permit the conduct of charitable raffles by certain nonprofit organizations."; and the substitute concurrent resolution be passed.

Committee on **Judiciary** recommends **SB 394** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 394," as follows:

"Substitute for SENATE BILL NO. 394

By Committee on Judiciary

"AN ACT concerning children and minors; enacting the Kansas foster parents' bill of rights act; relating to foster care; family foster homes; amending K.S.A. 2013 Supp. 38-2212, 38-2213 and 38-2258 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 316** be amended on page 1, in line 10, after "and" by inserting "medical and surgical"; in line 12, after "foot" by inserting ", subject to subsection (d) of K.S.A. 65-2002, and amendments thereto"; in line 24, by striking "or toes" and inserting ", ankle and tendons that insert into the foot"; in line 25, after "toes" by inserting "or part of the foot"; in line 32, by striking all following "surgery"; by striking all in lines 33 through 36;

On page 2, in line 1, by striking all before the period and inserting "on the ankle unless such person has completed a post-doctoral surgical residency program in foot and ankle surgery and is either board-qualified or board-certified in rearfoot reconstructive/ankle surgery or foot and ankle surgery by a nationally-recognized certifying organization acceptable to the board";

Also on page 2, following line 3, by inserting:

"(e) Not later than 90 days after the effective date of this act, the board shall appoint a five-member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:

(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson;

(2) two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and

(3) two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.

Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 362** be amended on page 1, in line 19, by striking "a person" and inserting "an individual"; in line 21, after "any" by inserting "individual who performs the activities and duties identified in 42 U.S.C. § 18031(i) and who is employed by any"; in line 24, after "(i)" by inserting ". "Health care insurance navigator" shall include non-navigator assistants as outlined in 45 C.F.R. § 155.205(d) and certified application counselors outlined in 45 C.F.R. § 155.225";

On page 3, in line 4, after the semicolon by inserting "and"; in line 7, by striking "; and"; by striking all in lines 8 through 30; in line 31, by striking all before the period; in line 36, by striking "(a)(1)" and inserting "(a)(3)(A)";

On page 4, in line 3, after "issuance" by inserting ", except any health care insurance navigator who registers before June 30, 2015, shall have such registration expire on June 30, 2016"; in line 16, by striking "charged with or"; in line 23, by striking "or"; in line 24, by striking "committed" and inserting "been convicted of"; in line 25, after the semicolon by inserting "or"; in line 26, by striking all following "(6)"; by striking all in lines 27 through 29; in line 30, by striking "(7)";

On page 5, in line 33, by striking "January 1" and inserting "June 30";

On page 6, in line 19, after the period by inserting "Local law enforcement officers and agencies may charge a fee to be reimbursed for expenses incurred in taking and processing the fingerprints under this section."; in line 22, by striking all following "used"; by striking all in lines 23 and 24; in line 25, by striking all before the period and inserting "for the administration of this act"; in line 40, by striking all following "general"; in line 41, by striking all before the period;

On page 7, in line 18, after the semicolon by inserting "and"; in line 23, by striking "; and"; by striking all in lines 24 and 25; in line 26, by striking all before the period;

On page 8, in line 31, by striking ", within 20 days after notification.";

On page 1, in the title, in line 1, after "health" by inserting "care"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

HB 2047 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Holland to amend **HB 2047** failed and the following amendment was rejected: , on page 2, following line 29, by inserting:

"New Sec. 2. (a) The provisions of this section shall be known as the preservation of the American dream act.

(b) For any law enacted by the Kansas legislature that reduces tax receipts from any direct revenue source excluding residential real property and results in a reduction of revenue that impacts local units of government, or reduces state revenue sharing with local units of government, the division of budget shall publish in every official county newspaper by bill number the final action roll call votes from both the Kansas senate and the Kansas house of representatives, along with the following explanation:

"By reducing tax receipts providing a direct revenue source or revenue sharing with local units of government, (____ Bill No. ____) will most likely result in increased residential property taxes. Here are the final action votes from the Kansas legislature. This bill was signed into law by the Governor on (date).";

And by renumbering sections accordingly;

On page 1, in the title, in line 1 by striking "property"; in line 2, after "revenues;" by inserting "legislative effect on local units of government, notice;"

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 8; Nays 31; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Powell.

A motion by Senator Hensley to amend **HB 2047** failed and the following amendment was rejected: on page 2, following line 29, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) ~~No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2013, 2014, and 2015.~~ The amount of the transfer on each such date shall be \$22,500,000

during fiscal year 2015; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year 2016 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, ~~except that all such transfers during fiscal year 2016 shall be considered to be revenue transfers from the state general fund.~~

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 3. K.S.A. 79-2961 is hereby amended to read as follows: 79-2961. (a) The county clerk shall certify to the county treasurer when budgets are made pursuant to K.S.A. 79-2960, and amendments thereto, and tax levies are filed with the county clerk. Prior to crediting the proper amounts under subsection (c) and except as provided in subsection (d), the county treasurer shall divide the amount paid by the state treasurer to the county treasurer among the county and all other taxing subdivisions of the county except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, which comply with the requirements of this act, in the proportion that the product of the last preceding total tangible tax rate of each subdivision, times its equalized tangible assessed valuation for the preceding year, is to the sum of such products of all the tangible tax-levying political subdivisions, except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, exclusive of the levy by the county for any deficiency for state purposes.

(b) ~~No political subdivision shall be entitled to participate in the distribution of any money appropriated to carry out K.S.A. 79-2960, and amendments thereto, and this section unless and until such political subdivision has adopted and certified a budget for the ensuing year which shows as a separate item the amount of the distribution to one or more tax levy funds of general application within such subdivision except bond and interest funds and has certified a tax levy for each such fund that will produce a sum of money less than the amount which a maximum levy would produce for each such fund, in an amount equal to or in excess of the amount of such distribution. The budget of each political subdivision also shall show that the aggregate levies made by such tangible property tax-levying political subdivisions will produce a sum less than the amount which the aggregate levy would produce in an amount equal to or in excess of the aggregate amount of the budget items of such distribution shown in the aggregate levy that property tax revenues from the preceding year have been reduced by an amount equal to 80% of the amount received by the political subdivision from the local ad valorem tax reduction fund.~~

(c) In crediting the amount that has been divided pursuant to subsection (a) or subsection (d), the county treasurer shall proceed as follows: Upon receipt of the

payment from the state treasurer each year, credit the appropriate fund or funds of each political subdivision complying with the provisions of this act with its proportionate share of such payment and the county treasurer shall notify such political subdivision of the amounts so credited. This section and K.S.A. 79-2960, and amendments thereto, shall not apply to school districts.

(d) The amount paid by the state treasurer to the county treasurer of each county under subsection (d) of K.S.A. 79-2959, and amendments thereto, shall be divided only among the one or more community colleges or municipal universities, or both, which received amounts under this section from the payment made from the local ad valorem tax reduction fund on January 15, 1983. The amount received by each such community college or municipal university under this subsection shall bear the same proportion to the total amount paid to such county under subsection (d) of K.S.A. 79-2959, and amendments thereto, as the amount received by such community college or municipal university under this section from the payment made to such county from the local ad valorem tax reduction fund on January 15, 1983, bears to the total amount received by all such community colleges and municipal universities under this section from such payment.";

And by renumbering sections accordingly;

Also on page 2, in line 30, before "K.S.A." by inserting "K.S.A. 79-2961 and"; also in line 30, by striking "is" and inserting "and 79-2959 are";

On page 1, in the title, in line 1, by striking "property"; also in line 1, by striking "produced by" and inserting "and distributions;" in line 2, before "amending" by inserting "local ad valorem tax reduction fund; distribution to political subdivisions;"; also in line 2, after "amending" by inserting "K.S.A. 79-2961 and"; in line 3, after "79-2925b" by inserting "and 79-2959"; in line 3, by striking "section" and inserting "sections"

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 14; Nays 23; Present and Passing 0; Absent or Not Voting 3.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Longbine, McGinn, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, Knox, LaTurnerkkLove, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Pyle, Shultz, Smith, Tyson, Wagle.

Absent or Not Voting: Holmes, Masterson, Powell.

A motion by Senator Francisco to amend **HB 2047** failed and the following amendment was rejected: on page 1, in line 8, before "a" by inserting "adoption of a resolution or ordinance or"

The committee report of **HB 2197** recommending **S Sub HB 2197** as amended, be adopted, and the substitute bill be passed as amended.

HB 2599 be amended by motion of Senator Ostmeyer: on page 1, in line 32, by striking "deed conveying" and inserting "legal document granting"; in line 34, by striking "deed for the"; also in line 34, by striking "by warranty deed"; in line 35, by striking "or quitclaim deed" and inserting "in such form";

On page 2, in line 3, by striking "convey" and inserting "grant"; in line 4, by striking "deed conveying" and inserting "legal document granting" and **HB 2599** be passed as amended.

The committee report of **HB 2338** recommending **S Sub HB 2338** be adopted, and be amended by motion of Senator King on: page 3, following line 17, by inserting:

"(e)The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.";

On page 32, following line 29, by inserting:

"(f)The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.";

On page 35, following line 40, by inserting:

"Sec. 31. \u20032003K.S.A. 2013 Supp. 75-5551 is hereby amended to read as follows: 75-5551. (a) The compensation program (compensation and benefits opportunity and delivery) for state employees will be designed to support the mission of the various branches of government and the agencies and departments within those branches. The foundation of the compensation program is to attract and retain quality employees with competitive compensation based on relevant labor markets. The programs will be based upon principles of fairness and equity and will be administered with sound fiscal discipline.

(b)The compensation philosophy component statements are:

(1)The legislature will be accountable for the adoption of the compensation philosophy and framework. The executive branch through delegated authority from the governor to the department of administration will be accountable for the consistent administration of the program for classified employees. Agency heads will be accountable for proper administration of the program within their agencies. The chief justice, through delegated authority to the office of judicial administration will be accountable for the consistent administration of the program for judicial branch employees subject to section 2, and amendments thereto. The state board of regents, through delegated authority to the chief executive officer of each campus, will be accountable for the consistent administration of the program for higher education faculty and non- classified employees. The respective appointing authorities will have accountability for the consistent administration of compensation for non-classified employees.

(2) The compensation program will be based on consistent principles of fairness throughout the state, yet will be flexible to meet changing needs. This will allow for multiple pay plans to fit different needs and market variables for the different branches of government and within those branches.

(3) Establishing the value of compensation will be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot be readily identified, the value of compensation for those positions will be based on a fair, defensible and understandable method.

(4) While recognizing that service and tenure yields valued experience, pay delivery mechanisms will be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further skill and education and pay for the achievement of team/unit or department goals.

(5) All aspects of compensation (base salary, benefits, lump sum payments, allowances and other variable elements of compensation) will be considered as a total compensation package for state employees. The state's pay programs will utilize both fixed and variable compensation as well as non-cash reward and recognition programs.

(6) Total compensation, as defined above, will be targeted at a competitive level

when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens.

(7)The state is committed to ensuring that its salary structures are up to date through the conduct of market surveys at regular intervals. There will be a planned approach to ensure that the classification structure and classification of employees is kept current.

(8)The compensation programs will reinforce a work culture and climate where employees are recognized and rewarded for their contribution. Any changes to compensation must be reasonable and take into consideration the needs of the state as an employer, the work culture afforded to the employees as public service providers and the citizens receiving services from the state.

(9) It is the intent of the legislature that longevity bonus payments shall not be considered as part of base pay.";

On page 36, in line 7, by striking "and" and inserting a comma; also in line 7, after "75-5541" by inserting "and 75-5551";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, by striking the first "and" and inserting a comma; also in line 13, after "75-5541" by inserting "and 75-5551" and **S Sub HB 2338** be passed as amended.

A motion by Senator Haley to amend **S Sub HB 2338** failed and the following amendment was rejected: on page 1, by striking all in lines 28 through 36;

On page 2, by striking all in lines 1 through 39;

On page 3, by striking all in lines 26 through 43;

By striking all on pages 4 and 5;

On page 6, by striking all in lines 1 through 23; also by striking all in lines 36 through 43;

By striking all on pages 7 through 9;

On page 10, by striking all in lines 1 and 2;

By striking all of Sec. 31, amending K.S.A. 2013 Supp. 75-5551, which was amended into the bill on March 6, 2014, on motion of Senator King in fa_2014_hb2338_s_3814; and by striking the references to K.S.A. 2013 Supp. 75-5551 in the title and repealer of the bill;

On page 36, in line 3, by striking "20-162, 20-318, 20-319,"; also in line 3, by striking "20-342, 20-343, 20-"; in line 4, by striking "345, 20-346a, 20-349, 20-361,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in line 5, in line 6, by striking "district,"; in line 9, by striking "20-162, 20-318, 20-319,"; in line 10, by striking "20-342, 20-343, 20-345, 20-346a, 20-349, 20-361,"

A motion by Senator Hensley to amend **S Sub HB 2338** failed and the following amendment was rejected; on page 1, by striking all in lines 28 through 36;

On page 2, by striking all in lines 1 through 39;

On page 3, by striking all in lines 26 through 43;

By striking all on pages 4 through 9;

On page 10, by striking all in lines 1 and 2;

On page 11, by striking all in lines 20 through 43;

By striking all on page 12;

On page 13, by striking all in lines 1 through 33;

On page 23, by striking all in lines 39 through 43;
 On page 24, by striking all in lines 1 through 10;
 On page 34, by striking all in lines 36 through 43;
 On page 35, by striking all in lines 1 through 40;

By striking all of Sec. 31, amending K.S.A. 2013 Supp. 75-5551, which was amended into the bill on March 6, 2014, on motion of Senator King in fa_2014_hb2338_s_3814; and by striking the references to K.S.A. 2013 Supp. 75-5551 in the title and repealer of the bill;

On page 36, in line 3, by striking all after "K.S.A."; by striking all in line 4; in line 5, by striking "312a and"; in line 6, by striking the final comma and inserting "and"; in line 7, by striking "and 75-5541";

And renumbering remaining sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in lines 5 through 8; in line 9, by striking all before "amending"; also in line 9, by striking all after "K.S.A."; by striking all in line 10; in line 11, by striking all before "60-729"; in line 13, by striking the comma and inserting "and"; also in line 13, by striking "and 75-5541"

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 10; Nays 27; Present and Passing 2; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Love, Olson.

Absent or Not Voting: Powell.

EXPLANATION OF VOTE

Mr Chairman: I vote "Aye" to remove individual provisions from **S Sub HB 2338**. These provisions include policy decisions which were each before the Senate Judiciary committee in individual bills. **S Sub HB 2338** is designated a budget bill and the Senate should take into account the stakeholders of these policy decisions before passing this underlying bill. Those stakeholders include the chief judges of every judicial district in the State of Kansas who, to a person, have rejected some of these policy decisions; including allocating to each chief judge the responsibilities to set each judicial district's budget. We should respect the judicial branch's opinions when it weighs in on policy decisions that affect or disrupt its administration. This legislature should not get accustomed to mixing policy decisions with budget bills in that it does not serve our time-honored procedures well at all. This amendment, if passed, maintains our proud tradition of a noble Senate; mindful and respectful of both custom and separate, co-equal branches, of state government.—DAVID HALEY

Senators Francisco, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2338**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2047**, **S Sub HB 2197**, **S Sub HB 2338** and **HB 2599** were advanced to Final Action and roll call.

HB 2047, AN ACT concerning property taxation; relating to revenues produced by property tax levies; votes to increase revenues; publication; amending K.S.A. 2013 Supp. 79-2925b and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Powell.

The bill passed, as amended.

S Sub HB 2197, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the membership of the board of directors and executive board; amending K.S.A. 72-130 and repealing the existing section.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Holmes, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Ostmeyer, Pettey.

Absent or Not Voting: Powell.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I believe parental input is very important in the education process, as well as in athletics. However, when you are planning league events involving scheduling, locations and participation in sports activities, it is important to consider what is best for all students and all schools. I feel the current system addressed that concern. Furthermore, having the Governor make the selections, regardless of how well chosen, will still be criticized as being political. I vote "No" on **S Sub HB 2197**.—DAN KERSCHEN

Senators Francisco, Hawk, Holland, Kelly, Ostmeyer, and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kerschen on **S Sub HB 2197**.

S Sub HB 2338, AN ACT concerning the judicial branch; relating to docket fees; making and concerning appropriations for the fiscal year ending June 30, 2015, for the judicial branch; creating the electronic filing and management fund; allowing the allocation of a budget for each judicial district court administration; authority and power of the chief judge of each judicial district; relating to district courts and the court

of appeals; selection of chief judge; relating to vacancies in the office of judge of the district court and the office of district magistrate judge; longevity bonuses for judicial branch employees; amending K.S.A. 20-162, 20-318, 20-319, 20-329, 20-342, 20-343, 20-345, 20-346a, 20-349, 20-361, 20-2909, 20-2911, 20-2914, 20-3011, 25-312a and 60-729 and K.S.A. 2013 Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256, 60-2001, 61-2704 and 75-5541 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6614d, 38-2312c and 60-2001b.

On roll call, the vote was: Yeas 23; Nays 12; Present and Passing 4; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Shultz, Smith, Wagle.

Nays: Haley, Hawk, Hensley, Holland, Kelly, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Tyson.

Present and Passing: Faust-Goudeau, Francisco, Love, Wolf.

Absent or Not Voting: Powell.

The bill passed, as amended.

HB 2599, AN ACT authorizing the secretary of state to grant an easement to the unified government of Wyandotte county, Kansas.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Powell.

The bill passed, as amended.

REPORT ON ENROLLED BILLS

SR 1792 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 06, 2014.

On motion of Senator Bruce, the senate adjourned pro forma until 8:00 a.m. March 07, 2014.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

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